

REMARKS

This Response is in reply to the Office Action mailed March 16, 2010. Claims 7, 26-37, 39-56, 58-64, 66-81, and 83-85 were pending in the application. Claims 26-37, 39-56, 58-64, 66-69, 77, and 83-85 were allowed. Claims 70-76 and 78-81 were withdrawn from consideration. Claim 7 was rejected.

The Applicant's attorney appreciates the Examiner's time and efforts during a telephone interview on May 14, 2010. The interview discussed the status of claim 7 and possible amendments to overcome the rejection.

Claim 7 was rejected under 35 USC 102(b) as being anticipated by US Patent No. 5,437,672 (hereinafter Alleyne). Claim 7 has been amended to now include a base with a central platform and first and second lateral sections with the base having an anterior surface that faces towards the S1 vertebra and an opposing posterior surface that faces away from the S1 vertebra. The base has at least one hook that extends outward from the anterior surface to engage the S1 vertebra. The claim now also includes an elongated connector that connects the brace to the platform with the brace positioned at the posterior surface of the base. Alleyne does not disclose this structure and claim 7 is not anticipated and is in condition for allowance.

Claim 26 has been amended to clarify the claim language.

Claim 58 has been amended to insert the word "of" to correct a grammatical error.

In view of the above amendments and remarks, the Applicant submits the present application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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